



Employment Application Fairness Act HB 4366
Testimony of Terri Stangl, Executive Director

Chairman Foster and members of the Commerce Committee:

My name is Terri Stangl and I am the Executive Director of the Center or Civil Justice. CCJ is a non-profit law firm that advocates on behalf of low-income people on systemic issues related to their basic needs. Since 2002 I have personally worked on numerous issues concerning re-entering citizens and I have helped to facilitate a statewide workgroup on re-entry issues. CCJ's staff talk to people all over the state who are trying to get Food Assistance Program benefits because they are unemployed and we hear about the challenges they are having.

One of the most difficult problems for any agency or faith-based group that is trying to help ex-offenders reenter the community and avoid recidivism is to find these individuals jobs. Many people who have gone to jail or prison are anxious to get out, find a job and avoid further trouble. Employers who hire these individuals are often impressed at how motivated they are to stay employed. Unfortunately, especially in today's job market, it is very difficult for many people with criminal records to get a job interview, let alone a job. They cannot get a foot in the door so that employers really consider their qualifications.

This is why the Center for Civil Justice supports the Employment Application Fairness Act. When job applications ask about prior felonies or misdemeanors, this practice prevents these individuals from having their prior experience and education considered. It prevents these individuals from discussing the circumstances of their conviction with a prospective employee. This can be particularly problematic to low income people who may have gotten a conviction because of their financial circumstances that resulted in a bounced check or a felony child support conviction or a failure to report a change in circumstances to their caseworker. Or an older adult who had a drug conviction in college who is now back on the job market for the first time in 20 years and finding door after door is now closed.

I can't tell you how many people I have talked to over the years who at their wits end because they aren't finding a job. They are desperate and worried. They used their time in prison to get a GED or a skills certificate. They qualified for early release. They want nothing more than to get a job and stay out of trouble and set a good example for their children. But after filling out hundreds of job applications that ask about criminal history, and having door after door closed, they ask themselves: what does rehabilitation mean? Am I supposed to be punished the rest of my life for a mistake that I am trying to put behind me? Can I be a productive part of society again or am I always going to be an outcast?

If we as a society insist on life-long punishment and exclusion, instead of moving toward reconciliation and forgiveness, there is a terrible price to be paid for taxpayers, employers, and ex-offenders alike. Yes there must be consequences for those who are convicted of breaking the law. And there are. But there must be opportunities to move forward and re-enter society too. And in Michigan, a staggering percentage of our population has some kind of conviction at some point. We cannot afford for so many of our citizens in our state be denied an opportunity to be considered for jobs that they are qualified to do.

The Employment Application Fairness Act does not require any employer to hire anyone with a conviction. It does not change statutory limits on who is barred from a particular job. It would require employers to look at credentials and experience first, and then allow them the opportunity to consider whether a particular conviction – and its circumstances – would be relevant to the job at hand. It would give the employer an opportunity to find out, and the applicant an opportunity to explain. As an employer, a number of years ago I found out that a finalist for a job at my organization had a felony conviction for non-payment of child support conviction that had been resolved some years previously. I determined, in light of all the circumstances, that the conviction was not relevant to the job at hand. If I had refused to consider anyone with a conviction up front, we would never have gotten into this discussion.

I support the changes to the bill that have been proposed by the National Employment Law Program. For example, I agree that the bill should prohibit questions about misdemeanors as well as felonies at the time of application. I also support requiring employers to talk to finalists whose record reveals a conviction to find out more about the circumstances.

The evidence from many other communities and states shows that this kind of legislation does not cause problems for employers and in fact can both benefit them and those trying to make a new life for themselves.

I urge the committee to support the bill, together with the amendments I have already mentioned.

Thank you.